

2005 ASSEMBLY BILL 933

January 24, 2006 – Introduced by Representatives RHOADES, HINES, JESKEWITZ, KAUFERT, LAMB, NASS and TOWNSEND, cosponsored by Senators COWLES, ROESSLER and LEIBHAM. Referred to Committee on Education.

1 **AN ACT to amend** 343.06 (1) (c), 343.10 (8) (intro.) and 343.39 (1) (a); and **to**
2 **create** 118.16 (2) (cv), 343.10 (8m) and 343.343 of the statutes; **relating to:**
3 suspension of motor vehicle operating privilege for habitual truancy.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) may not issue a driver's license to a person who is under the age of 18 and who is a habitual truant. A habitual truant is a pupil who is absent from school without an acceptable excuse for part or all of five or more days on which school is held during a school semester. This bill requires a school attendance officer to notify the Department of Transportation (DOT) that a pupil enrolled in the school district is a habitual truant. The bill also requires the school attendance officer to notify DOT when a pupil who was reported as truant completes a full school year without being a habitual truant.

Under the bill, DOT is required to suspend the pupil's operating privilege or, if the pupil is not yet a licensed driver, to prevent the pupil from obtaining a driver's license, until the pupil completes one year of school without being an habitual truant.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

ASSEMBLY BILL 933**SECTION 1**

1 **SECTION 1.** 118.16 (2) (cv) of the statutes is created to read:

2 118.16 **(2)** (cv) At the end of each semester, shall provide the names of pupils
3 who are habitual truants to the department of transportation and shall provide the
4 names of pupils who were listed as habitual truants but who have completed a school
5 year without being habitually truant.

6 **SECTION 2.** 343.06 (1) (c) of the statutes is amended to read:

7 343.06 **(1)** (c) To any person under age 18 unless the person is enrolled in a
8 school program or high school equivalency program and is not a habitual truant as
9 defined in s. 118.16 (1) (a) or, if the person was named as a habitual truant under s.
10 118.16 (2) (cv), has completed a year of school without being habitually truant, has
11 graduated from high school or been granted a declaration of high school graduation
12 equivalency or is enrolled in a home-based private educational program, as defined
13 in s. 115.001 (3g), and has satisfactorily completed a course in driver education in
14 public schools approved by the department of public instruction, or in technical
15 colleges approved by the technical college system board, or in nonpublic and private
16 schools which meet the minimum standards set by the department of public
17 instruction, or has satisfactorily completed a substantially equivalent course in
18 driver training approved by the department and given by a school licensed by the
19 department under s. 343.61, or has satisfactorily completed a substantially
20 equivalent course in driver education or training approved by another state and has
21 attained the age of 16, except as provided in s. 343.07 (1). The department shall not
22 issue a license to any person under the age of 18 authorizing the operation of “Class
23 M” vehicles unless the person has successfully completed a basic rider course
24 approved by the department. The department may, by rule, exempt certain persons
25 from the basic rider course requirement of this paragraph. Applicants for a license

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1 under s. 343.08 or 343.135 are exempt from the driver education, basic rider or driver
2 training course requirement. The secretary shall prescribe rules for licensing of
3 schools and instructors to qualify under this paragraph. The driver education course
4 shall be made available to every eligible student in the state. Except as provided
5 under s. 343.16 (1) (c) and (2) (cm) to (e), no operator's license may be issued unless
6 a driver's examination has been administered by the department.

7 **SECTION 3.** 343.10 (8) (intro.) of the statutes is amended to read:

8 343.10 **(8)** VIOLATION OF RESTRICTIONS. (intro.) Any Except as provided in sub.
9 (8m), any person who violates a restriction on an occupational license as to hours of
10 the day, area, routes or purpose of travel, vehicles allowed to be operated, use of an
11 ignition interlock device, sobriety or use of alcohol, controlled substances or
12 controlled substance analogs shall be:

13 **SECTION 4.** 343.10 (8m) of the statutes is created to read:

14 343.10 **(8m)** VIOLATION OF RESTRICTIONS BY HABITUAL TRUANTS. A person whose
15 operating privilege is suspended under s. 343.343 and who violates any restriction
16 on an occupational license may be prosecuted under s. 343.343 (2).

17 **SECTION 5.** 343.343 of the statutes is created to read:

18 **343.343 Suspension of operating privileges for habitual truants. (1)**

19 The department shall suspend the operating privileges of a person who is under the
20 age of 18 and who is reported as a habitual truant under s. 118.16 (2) (cv). The
21 suspension shall remain in place until the person completes a year of school without
22 being habitually truant or attains the age of 18.

23 **(2)** No person whose operating privilege is suspended under sub. (1) and who
24 obtains an occupational license under s. 343.10 may violate any restriction on an

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1 occupational license. The department shall suspend the operating privilege of a
2 person who violates this subsection for one year.

3 **SECTION 6.** 343.39 (1) (a) of the statutes is amended to read:

4 343.39 (1) (a) When, in the case of a suspended operating privilege, the period
5 of suspension has terminated, or, if the operating privilege was suspended under s.
6 343.343, the person has completed a year of school without being habitually truant
7 or has attained the age of 18, and the reinstatement fee specified in s. 343.21 (1) (j)
8 has been paid to the department and, for reinstatement of an operating privilege
9 suspended under ch. 344, the person files with the department proof of financial
10 responsibility, if required, in the amount, form and manner specified under ch. 344.

11 **SECTION 7. Effective date.**

12 (1) This act takes effect on September 1, 2006.

13 (END)